

REMARKS

This Amendment is responsive to the Office Action identified above, and is responsive in any other manner indicated below.

PENDING CLAIMS

Claims 1-22 were pending in the application. Appropriate claims have been amended in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment, and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-22 remain pending in the application.

ALL REJECTIONS UNDER 35 USC '102 AND '103 - TRAVERSED

All 35 USC rejections are respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims.

Applicant's disclosed and claimed invention is directed to arrangements (e.g., methods, systems) for providing detailed path information to clients (e.g., hosts connected to a network fabric) responsive to a query. As one important feature, Applicant's disclosed and claimed invention provides information on the properties for the fundamental path elements of the path, including one or more links. The properties of the fundamental path elements (e.g., links) may include, for example ones of: link speed, service levels supported, path latency, hop count, maximum transfer unit (MTU), and latency cost.

It is noted that even if a single physical connection (e.g., wire, fiber optic) exists between two nodes (e.g., switches), a plurality of logical links may exist. Further, differing logical links on even a single physical connection may have greatly differing properties. For example, some may be slower logical links, and some may be faster logical links. Accordingly, knowing only node (e.g., switch) information is not enough, as a client could not then specify a particular link. Applicant's invention is valuable to intelligent clients that want to benefit from multiple possible paths to their destination. Such clients can make an informed decision about which of the several available paths (including links) they should use based on this detailed path information.

In terms of claim language, independent claim 1, for example, has the features/limitations of: performing a topology discovery of properties of fundamental path elements of a cluster, including path links; receiving a request from a client for information on the properties of the fundamental path elements of a path, the request identifying at least a source and a destination of a the path; and, sending a response to the client based on the request, the response providing the information on the properties for the fundamental path elements of the path, including one or more links between the source and the destination. All other ones of Applicant's claims contain similar or analogous limitations.

Turning now to the cited reference, Spiegel et al. would not support a '102 anticipatory-type rejection or a '103 obviousness-type rejection because Spiegel et al. does not concern any request from a client, nor any response, concerning information on the properties for the fundamental path elements of a path, including one or more links. That is, Spiegel et al. appears to generally concern multipath muting control for connection-oriented networks such as asynchronous transfer mode (ATM) networks using progressive or originating control protocols, and the handling at nodes.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection or '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 and '103 rejections, and express written allowance of all of the rejected claims, are respectfully requested.

GRATUITOUS OFFICE ACTION STATEMENTS GENERALLY TRAVERSED

The Office Action makes the gratuitous statement (e.g., on page 3, last line) that "The examiner notes all the cited prior art would be valid 102 rejections over the independent claims." Applicant and the undersigned categorically traverse such statement, and also respectfully reserve the right to more explicitly traverse such statement should any actual statutory rejection/objection (connected/related to such statements) be made. That is, Applicant and the undersigned respectfully refrain from further unnecessary prosecution history estoppel comments regarding such statements unless and until a rejection or objection related thereto is made.

EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the D.C. area telephone 703-312-6600, to discuss an Examiner's Amendment or other actions for accelerating prosecution and moving the present application to allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

This Amendment is being filed within the shortened statutory period for response set by the 15 May 2003 Action, and therefore, no Petition is believed necessary for entry of this paper. To whatever other extent is actually necessary, Applicant

respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. No Petition or claim fees are required for entry of this Amendment. Please charge any shortage in fees due in connection with the filing of this paper to ATS&K Deposit Account No. 01-2135 (referencing case No. 219.39026X00).

Respectfully submitted,



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